

# Title 243 WAC

## HEALTH CARE POLICY BOARD

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**ADMINISTRATION AND OPERATIONS**

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**ORGANIZATION, OPERATIONS, AND PROCEDURES**

**WAC 243-01-010 Purpose.** The purpose of this chapter is to ensure compliance by the Washington health care policy board with the provisions of chapters 42.17 and 34.05 RCW of the Revised Code of Washington (RCW).

[Statutory Authority: RCW 42.17.250, 95-23-058, § 243-01-010, filed 11/15/95, effective 12/16/95.]

**WAC 243-01-020 Definitions.** (1) "Board" means the Washington health care policy board and also refers to employees of the board.

(2) "Public record" means any writing containing information relating to the conduct of government or the performance of any governmental or proprietary function prepared, owned, used, or retained by any state or local agency regardless of physical form or characteristics.

(3) "Writing" means handwriting, typewriting, printing, photostating, photographing, and every other means of recording any form of communication or representation, including but not limited to, letters, words, pictures, sounds or symbols, or any combination thereof, and all papers, maps, magnetic or paper tapes, photographic films and prints, motion pictures, film and video recordings, magnetic or punch cards, disks, drums, diskettes, sound recordings, and other documents, including existing data compilations from which information may be obtained or translated.

[Statutory Authority: RCW 42.17.250, 95-23-058, § 243-01-020, filed 11/15/95, effective 12/16/95.]

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**WAC 243-01-030 Description of organization.** The board is a public agency which exercises essential government functions. The board consists of five full-time members appointed by the governor; two members of the state senate and two members of the state house of representatives. One member is designated by the governor as chair and serves at the pleasure of the governor. The administrative office of the board is located at the Employment Security Building, 605 Woodland Square Loop Southwest, Lacey, Washington.

[Statutory Authority: RCW 42.17.250, 95-23-058, § 243-01-030, filed 11/15/95, effective 12/16/95.]

**WAC 243-01-040 Operations and procedures.** (1) **Uniform procedure rules:** The board's practices and procedures are governed by the Uniform Procedure Rules codified in WAC 1-08-005 through 1-08-590, as now or hereafter amended. The board adopts these rules as its own, subject to any additional rules the board may add from time to time. The board reserves the right to make whatever determinations are equitable should any question covered by its rules come before the board.

(2) **Board meetings:**

(a) Regular public meetings of the board will be held pursuant to the schedule published periodically in the *Washington State Register*. The purpose of these meetings shall be to conduct the official, substantive business of the board;

(b) Additional special public meetings necessary to discharge the official, substantive business of the board may be called from time to time by the chair or by a quorum of the board.

(c) Board staff meetings will be held pursuant to the schedule published annually in the *Washington State Register*. The purposes of these informal meetings are to deal with administrative matters, conduct briefings and other presentations, present status reports, share information among board members and staff, and determine processes for conducting board business. These meetings will not involve public testimony, formal recommendations, substantive decisions on work program tasks, and other final actions, all of which will be addressed at regular and special board meetings.

(3) **Quorum:** Five voting board members shall constitute a quorum. The act of a majority of the voting board members present at any meeting, if there is a quorum, shall be deemed the act of the board. Provided: That three of the five members appointed by the governor in accordance with section 9, chapter 265, Laws of 1995, shall constitute a quorum for purposes of carrying out the managed competition - competitive oversight duties prescribed in RCW 43.72.310.

(4) **Minutes of meetings:** Minutes shall be kept of the proceedings of the board.

(5) **Rules of order:** The board shall generally follow Robert's Rules of Order, newly revised, in conducting its regular and special meetings.

[Statutory Authority: RCW 42.17.250. 95-23-058, § 243-01-040, filed 11/15/95, effective 12/16/95.]

**WAC 243-01-050 Board activities exempt from the Environmental Protection Act.** The board has reviewed its authorized activities and has found them to be exempt pursuant to chapter 43.21C RCW.

[Statutory Authority: RCW 42.17.250. 95-23-058, § 243-01-050, filed 11/15/95, effective 12/16/95.]

## PUBLIC RECORDS

**WAC 243-01-060 Public records available.** All public records of the board are deemed to be available for public inspection and copying at the board's administrative office pursuant to these rules, except as otherwise provided by RCW 42.17.310 and other laws.

[Statutory Authority: RCW 42.17.250. 95-23-058, § 243-01-060, filed 11/15/95, effective 12/16/95.]

**WAC 243-01-070 Public records officer.** The board's public records shall be under the charge of the public records officer designated by the board chair. The person so designated shall be responsible for implementing these rules and regulations regarding the release of public records, and generally for ensuring compliance with the public records disclosure requirements of chapter 42.17 RCW and, in particular, RCW 42.17.250 through [42.17].340.

[Statutory Authority: RCW 42.17.250. 95-23-058, § 243-01-070, filed 11/15/95, effective 12/16/95.]

**WAC 243-01-080 Office hours.** Public records shall be available for inspection and copying at the board's administrative office, from 9:00 a.m. to noon and from 1:00 p.m. to 4:00 p.m., Mondays through Fridays, excluding legal holidays.

[Statutory Authority: RCW 42.17.250. 95-23-058, § 243-01-080, filed 11/15/95, effective 12/16/95.]

**WAC 243-01-090 Requests for public records.** In accordance with the provisions of chapter 42.17 RCW requiring agencies to prevent unreasonable invasions of privacy, protect public records from damage or disorganization, and prevent excessive interference with essential functions of the agency, public records of the board may be inspected or copied, or copies of such records may be obtained, by members of the public upon compliance with the following procedures:

(1) A request shall be made in writing upon a form prescribed by the board which shall be available at its administrative office. A completed form shall be presented to any member of the board staff at the board's administrative office during customary office hours. The request shall include the following information:

(a) The name, mailing address, and telephone number of the person requesting the record and the organization represented, if any.

(b) The time of day and calendar date on which the request was made.

(c) A description of the material requested.

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(d) If the matter requested is referenced within the current index maintained by the records officer, a reference to the requested record as it is described in such current index.

(e) If the requested matter is identifiable by reference to a current index, an appropriate identification of the record requested.

(2) In all cases in which a member of the public is making a request, it shall be the obligation of the board or staff member to whom the request is made to assist the member of the public in appropriately identifying the public record requested.

[Statutory Authority: RCW 42.17.250. 95-23-058, § 243-01-090, filed 11/15/95, effective 12/16/95.]

**WAC 243-01-100 Responses to requests for public records.** Within five business days of receiving a public records request, the board must respond by either:

(1) Providing the records;

(2) Denying the public records request; or

(3) Acknowledging that the board has received the request and providing a reasonable estimate of the time the board will require to respond to the request.

Additional time required to respond to a request may be based upon the need to clarify the intent of the request, to locate and assemble the information requested, to notify third persons or agencies affected by the request, or to determine whether any of the information requested is exempt and that a denial should be made as to all or part of the request. In acknowledging receipt of a public records request that is unclear, the board may ask the requestor to clarify what information the requestor is seeking. If the requestor fails to clarify the request, the board need not respond to it.

[Statutory Authority: RCW 42.17.250. 95-23-058, § 243-01-100, filed 11/15/95, effective 12/16/95.]

**WAC 243-01-110 Copying.** No fee shall be charged for the inspection of public records. The board shall charge fifteen cents per page for providing copies or duplications of public records, and for use of the board's photocopy equipment. The charge is the amount necessary to reimburse the board for its actual copying costs. When copying or duplication of nonstandard items is requested, the fee charged will reflect the total cost, including the time of board personnel.

[Statutory Authority: RCW 42.17.250. 95-23-058, § 243-01-110, filed 11/15/95, effective 12/16/95.]

**WAC 243-01-120 Exemptions.** (1) The commission reserves the right to determine that a public record requested in accordance with the procedures outlined in this chapter is exempt under the provisions of RCW 42.17.310, including, but limited to, the following:

(a) Personal information in files maintained for board members and employees of the board to the extent that disclosure would violate their right to privacy;

(b) Preliminary drafts, recommendations, and intra-agency memoranda in which opinions are expressed or policies formulated or recommended, except that a specific record shall not be exempt when publicly cited by the board in connection with any board action;

(c) All applications for public employment, including the names of applicants, resumes, and other related materials submitted with respect to an applicant;

(d) The residential addresses and telephone numbers of employees or volunteers of a public agency which are held by the agency in personnel records, employment or volunteer rosters, or mailing lists of employees or volunteers.

(2) Pursuant to RCW 42.17.260, the board reserves the right to delete identifying details when it makes available or publishes any public records in all cases when there is reason to believe that disclosure of such details would be an invasion of personal privacy protected by chapter 42.17 RCW. The board will fully justify such deletion in writing.

(3) All public records otherwise exempt by law shall be considered exempt under these rules.

[Statutory Authority: RCW 42.17.250. 95-23-058, § 243-01-120, filed 11/15/95, effective 12/16/95.]

**WAC 243-01-130 Review or denial of public records requests.** Any person who objects to a denial of a public records request or who objects to the reasonableness of the estimate of the time the board requires to respond to a public records request, shall petition the superior court in the county in which the record is maintained under the provisions of RCW 42.17.340.

[Statutory Authority: RCW 42.17.250. 95-23-058, § 243-01-130, filed 11/15/95, effective 12/16/95.]

**WAC 243-01-140 Protection of public records.** In order to protect the public records in the custody of the board, the following guidelines shall be followed by any person inspecting such public records:

(1) No public records shall be removed from the board's administrative office;

(2) Inspection of any public records shall be conducted in the presence of a board member or a member of the board staff;

(3) No public record may be marked or defaced in any manner during inspection;

(4) Public records maintained in a file jacket or binders, or in chronological order, may not be dismantled except for the purpose of copying, and then only by a board member or a member of the board staff; and

(5) Access to file cabinets, shelves, vaults, and other storage locations is restricted to board members and staff.

[Statutory Authority: RCW 42.17.250. 95-23-058, § 243-01-140, filed 11/15/95, effective 12/16/95.]

**WAC 243-01-150 Records index.** (1) The board shall make available to all persons a current index which provides identifying information for records which have been issued, adopted, or promulgated, as follows:

(a) Those statements of policy and interpretations of policy, statute, and the constitution which have been adopted by the board;

(b) Administrative staff manuals and instructions to staff that affect any member of the public;

(c) Board planning policies and goals, and interim and final planning decisions;

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(d) Staff, consultant, and scientific reports and studies and any other factual information derived from tests, studies, reports, or surveys, whether conducted by public employees or others; and

(e) Correspondence and materials referred to therein relating to any regulations, supervisory, or enforcement responsibilities of the board.

(2) The current index promulgated by the board shall be available for inspection by all persons under the same rules and on the same conditions as are applied to public records available for inspection.

[Statutory Authority: RCW 42.17.250. 95-23-058, § 243-01-150, filed 11/15/95, effective 12/16/95.]